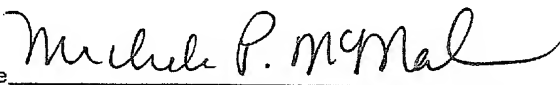



PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		9314-68	
I hereby certify that this correspondence is being transmitted electronically to the U.S. Patent and Trademark Office on April 24, 2007. Signature  Typed or printed name <u>Michele P. McMahan</u>	Application Number 10/809,179	Filed 03/25/04	
	First Named Inventor William O. Camp, Jr.		
	Art Unit 2617	Examiner Sams, Matthew C	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p>			
I am the		 Signature	
<input type="checkbox"/> applicant/inventor.		Timothy J. Wall Typed or printed name	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)		919/854-1400 Telephone number	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>50,743</u>		April 24, 2007 Date	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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RESPONSE UNDER 37 C.F.R. 1.116 - EXPEDITED
PROCEDURE - EXAMINING GROUP 2617

Attorney Docket No. 9314-68

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: William O. Camp, Jr.
Application No.: 10/809,179
Filed: March 25, 2004

Group Art Unit: 2617
Confirmation No.: 6824
Examiner: Matthew C. Sams

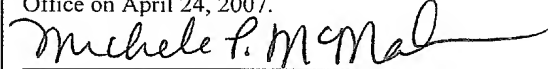
For: **HAND-HELD ELECTRONIC DEVICES CONFIGURED TO PROVIDE
IMAGE DATA IN AN INTERNET PROTOCOL FORMAT AND RELATED
DISPLAY DEVICES AND METHODS**

Date: April 24, 2007

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**CERTIFICATION OF ELECTRONIC TRANSMISSION
UNDER 37 CFR § 1.8**

I hereby certify that this correspondence is being
transmitted electronically to the U.S. Patent and Trademark
Office on April 24, 2007.



Michele P. McMahan
Date of Signature: April 24, 2007

**REASONS IN SUPPORT OF APPLICANT'S PRE-APPEAL
BRIEF REQUEST FOR REVIEW**

Sir:

This document is submitted in support of the Pre-Appeal Brief Request for Review filed concurrently with a Notice of Appeal in compliance with 37 C.F.R. § 41.31 and with the rules set out in the OG of July 12, 2005 for the New Appeal Brief Conference Pilot Program, which was extended until further notice on January 10, 2006.

No fee or extension of time is believed due for this request. However, if any fee or extension of time for this request is required, Applicants request that this be considered a petition therefore. The Commissioner is hereby authorized to charge any additional fee, which may be required, or credit any refund, to our Deposit Account No. 50-0220.

REMARKS

Applicant hereby requests a pre-appeal brief preview (hereinafter "Request") of the claims finally rejected in the Office Action mailed January 25, 2007 (hereinafter "Final Action"). Applicant respectfully requests favorable reconsideration for at least the reasons discussed hereafter.

Claims 1, 3-16, and 18-38 are pending in the application. Applicant respectfully submits that the cited references fail to disclose or suggest the recitations of the pending

independent Claims. Therefore, Applicant respectfully submits that all pending claims are in condition for allowance.

Claims 1, 3-9, 16, 18-24, 31, 32, 35 and 36 stand rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent Publication No. 2003/0054794 to Zhang (hereinafter "Zhang"). (Final Action, page 4). Independent Claim 1 recites, in part:

a user interface coupled to the controller wherein the user interface is configured to ***accept user input of pointer commands*** and wherein the controller and transmitter are configured to ***transmit the pointer commands*** over the wireless link to the remote electronic display.

(*Emphasis added.*) Independent Claim 16 includes similar recitations. Regarding the recitations of Claims 1 and 16, the Final Action states that Zhang teaches:

a user interface coupled to the controller wherein the user interface is configured to accept user input of pointer commands and wherein the controller and transmitter are configured to transmit the pointer commands over the wireless link to the remote electronic display. (Page 2, [0027-0032] and Page 5 [0061-0062])

(Final Action, page 5). Applicant respectfully disagrees with this interpretation of Zhang's teachings. Zhang describes that a "helper server returns a remote control interface description to the handheld device," which then "builds a Graphical User Interface (GUI) from the interface description and remotely controls the task on the helper server, according to user interaction with the handheld device." Zhang, paragraph 0032. "The description contains graphical interface representations such as buttons and menus as well as user interactions such as "sending a page down" message if a specific button is pressed." Zhang, paragraph 61. A simple graphical interface can include control buttons such as "play," "pause" and "fast forward." Zhang, paragraph 62. The application specific interfaces are stored on the helper servers and not in the handheld device. Zhang, paragraph 63. Zhang appears to provide for user interfaces accessible in the handheld device that are specific to and provided by the helper server.

In response to Applicant's arguments, the Final Action admits that Zhang does not use pointer commands, but alleges that the equivalent is an application specific control interface containing buttons and menus. The equivalence asserted by the Final Action appears to rely on the concept that a control function is performed using the buttons and menus. (Final Action, page 2). Applicant submits that the Final Action erroneously cites

language regarding how a pointer command may be generated as defining a pointer command. In contrast, a pointer, which is a component of a graphical user interface, is a graphical image that indicates the location of a pointing device that can be used to select and move objects or commands. In this regard, a pointer command is a command corresponding to a location of a graphical pointing device. Applicant respectfully submits that although other graphical user interface components may be generated by a controller responsive to a user input, such components are not necessarily pointer commands or equivalents thereof. Thus, the Final Action does not properly recognize that a definition of a pointer and corresponding command are distinguishable from how a pointer command is generated.

Additionally, the reason Zhang does not use the language "pointer command" is because the user interface discussed in Zhang does not feature a pointer or a corresponding command. Since a pointer is visually and functionally distinguishable over the control buttons and menus described by Zhang in that the graphical image of a pointer is dynamic and thus moves, responsive to user input, to select objects and/or commands, a pointer command is necessarily distinguishable over button and menu commands. The Final Action incorrectly states that the buttons and menus disclosed by Zhang are equivalent to a pointer command. Applicant respectfully points out that in contrast a dynamic pointer and the corresponding commands, the buttons and menus are not dynamic and thus do not function in the same way with the same result. For at least these reasons, the buttons and menus described in Zhang cannot be equivalent to a pointer or corresponding pointer commands.

Moreover, even if pointer commands are used by Zhang to select or manipulate "buttons", nothing in Zhang teaches or suggests to transmit pointer commands over a wireless link to a remote electronic display, as recited in Claim 1. In contrast, Zhang appears to teach away from such transmission because the remote control is accomplished by transmitting the remote control interface description to the handheld device, which then builds a graphical user interface from the interface description. Zhang, paragraph 0032.

Thus, in sharp contrast to the recitations of independent Claims 1 and 16, Zhang does not appear to include any disclosure related to a user interface coupled to the controller wherein the user interface is configured to *accept user input of pointer commands* and

wherein the controller and transmitter are configured to *transmit the pointer commands* over the wireless link to the remote electronic display. For at least the foregoing reasons, Applicant respectfully submits that independent Claims 1 and 16 are patentable over Zhang.

Claims 10-15 and 25-30 stand rejected under 35 U.S.C. §102(b) as being anticipated by U. S. Patent Publication No. 2001/0054114 to DuVal et al. (hereinafter "DuVal"). (Final Action, page 6). Independent Claim 10 recites, in part:

an Internet protocol browser, wherein the Internet protocol browser is configured to receive image data and *pointer commands* from a hand-held electronic device ... configured to provide the image data visually using the display *responsive to the pointer commands* from the hand-held electronic device.

(*Emphasis added.*) Independent Claim 25 includes similar recitations. Regarding Claims 10 and 25, the Final Action alleges that DuVal teaches receiving image data and pointer commands from a handheld device. (Final Action, pages 6-7). Applicant respectfully disagrees with this interpretation of DuVal's teachings. DuVal describes that:

an internet access device 11 can be used to interrogate display device 10 to determine its control commands, and to generate an appropriate user interface. In this manner, the internet access device 11, in addition to controls integrated into the display device 10, can be used for user control.

DuVal, paragraph 0016. Additionally, "[d]isplay device 10 might also have various user interface features, although a feature of the invention is that internet access device 11 can be used to generate commands that control the operations of the display device 10." DuVal, paragraph 0017. Generally, DuVal appears to provide for the generation of a user interface in the internet access device for controlling the display device.

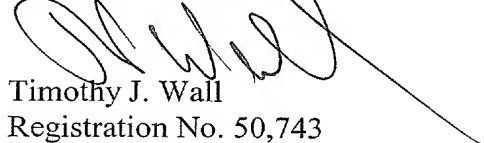
Thus, in sharp contrast to the recitations of independent Claims 10 and 25, DuVal does not appear to include any disclosure related to an electronic display device having an Internet browser configured to receive image data and *pointer commands* from a hand-held electronic device...wherein the Internet protocol browser is configured to provide the image data visually using the display *responsive to the pointer commands* from the hand-held electronic device.

In response to Applicant's arguments, the Final Action parrots the "definition" of pointer command discussed above regarding Claim 1 and alleges that XML commands are the equivalent to the pointer commands because they can be used for user control. (Final Action, page 3). Applicant respectfully submits that, in contrast with pointer commands, which are commands corresponding to a graphically dynamic user interface feature, XML is a type of programming language called a mark-up language. In contrast with a pointer, a mark-up language combines text and extra information about the text. The extra information, for example about the text's structure or presentation, is expressed using markup, which is intermingled with the primary text. The Final Action incorrectly states that XML commands as disclosed by DuVal are equivalent to a pointer command. Applicant respectfully points out that in contrast a dynamic pointer and the corresponding commands, the XML commands are text based and thus do not function in the same way with the same result.

Thus, in sharp contrast to the recitations of independent Claims 10 and 25, DuVal does not appear to include any disclosure related to an Internet protocol browser ... configured to receive image data and *pointer commands* from a hand-held electronic device ... and wherein the Internet protocol browser is configured to provide the image data visually using the display *responsive to the pointer commands* from the hand-held electronic device. For at least the foregoing reasons, Applicant respectfully submits that independent Claims 10 and 25 are patentable over DuVal.

Accordingly, for at least the reasons discussed above, many of the recitations of independent claims 1, 10, 16, and 25 and the claims that depend therefrom are not met by Zhang and/or DuVal. Therefore, Applicant respectfully requests that the present application be reviewed and reversed by the appeal conference prior to the filing of an appeal brief.

Respectfully submitted,



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